UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,407	10/11/2006	Pierre Garnero	200314333-3	2968

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EXAMINER
OVANDO, PABLO R

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
05/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.		Applicant(s)	
Office Action Summary	10/573,407		GARNERO ET AL.	
	Examiner		Art Unit	
	Pablo R. Ovando		2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 March 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Specification

Claims 2, 4, 5, 7, 9 are objected to because of the following informalities:

comma missing between claim number and wherein. Appropriate correction is

required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

1.   Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed

invention falls outside of the statutory categories. While claims 1 and 8 define a

"process", or "method", intrinsic evidence within the specification suggests that

the method is drawn to steps performed purely by software (i.e., see pages 8-10,

13 and 14) and software per se is neither a "product" nor a "process" in a

statutory sense. The aforementioned intrinsic evidence in the specification

suggests that the full scope of the claimed method encompasses nothing more

than software and is therefore non-statutory for that reason. Furthermore, a

practical application exists if the *result* of the claimed invention is "useful,

concrete and tangible". It appears that applicant is defining a series of instances

(SGP) used for determining information (e.g. routing **information**). Thus,

determining information would not provide a tangible result.

Claim 14 states a "signaling gateway element" processing information

(i.e., processing information is not tangible).

Claim Rejections - 35 USC § 112

2.   **Claims 1, 2 and 8** are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

As to **claim 1**, "determining routing information enabling an application

server process" (ASP) is not understood. How does the ASP receive the

information or as a result of what message exchange does the ASP receive the

information? Also, a "particular point code" is vague and indefinite?

As to **claim 2**, the information appears to be sent from the "signaling

gateway process" (SGP) to the ASP in claim 1. However, Claim 2 recites that

the information is "sent by the application server process".

As to **claim 8**, are both "SLS values" and "routing information received"

used to direct the signaling? Or is it one or the other of the techniques mentioned

above?

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by

Roque et al, European Patent Application 1261217 (hereinafter referenced as

Roque).

        As to **claim 1**, Roque teaches a method for operating a signalling gateway

process (paragraphs 60, 66 and 100) comprising determining routing information

(paragraph 97 and 102 teach that the SGP is capable of determining routing.

Additionally, paragraph 63, lines 10-16 teach that the SGP sends information of

how the data is handled to the ASP), enabling an application server process to

identify a signalling gateway process to which to direct signalling messages

destined for a particular point code and making said information available to the

application server process (paragraph 108 and 111, note that fig. 4 element 50

and 60 illustrate the connection between an ASP and SGP and the signaling

from the ASP reaches the SCN, wherein the SCN has point codes. Additionally,

paragraph 46 teaches that the ASP has the capability to identify the SGP.

Paragraph 149 teaches details between the message exchanges)

        As to **claim 2**, Roque teaches that the information takes the form of a

routing table that serves to distribute signalling gateway process identifiers over

possible signalling link selector values included in signalling messages sent by

the application server process (paragraph 66, note that identifiers with the status

of the SGP are sent to the ASP. The ASP has the capability to acknowledge or

request additional information).

As to **claim 3**, Roque teaches responding to a change in the status of links upon a route to a particular point code by redetermining the routing information for that point code and making the redetermined information available to an application server process (paragraphs 105 and 158).

As to **claim 4**, Roque teaches determined routing information is made available to the application server process in response to receipt of an audit message from the application server process for a particular destination point code (paragraphs 127, 128 and 157).

As to **claim 5**, Roque teaches that the determined and/or redetermined routing information is included in a message transmitted from a signalling gateway process to an application server process that serves to indicate the availability of the point code concerned (paragraph 137).

As to **claim 6**, Roque teaches a registration step comprising transmitting a signalling gateway process identifier to an application server process (paragraph 152).

As to **claim 7**, Roque teaches that the signalling gateway process identifier is included in an acknowledgement by the signalling gateway process of a message indicating that the application server process is ready to receive signalling traffic (paragraph 155).

As to **claim 8**, Roque teaches a method for operating an application server process to sending signalling messages to a signalling network via

signalling gateway comprising a plurality of signalling gateway processes

(paragraph 46, and fig. 4 elements 1312-GW1 And 1212-AS1), the method

comprising identifying a signalling gateway process to which to direct signalling

messages destined for a particular point code by reference to routing information

received from a signalling gateway process and SLS values contained in the

signalling messages (at least paragraph 53 teaches that the SGP provides

maintenance and traffic information to the ASP, wherein traffic and maintenance

reads on routing, since the messaging contains RIE as taught in paragraph 106.

Additionally, fig. 4 provides the foundation of the system by illustrating the

communication between elements 1212 AS1 and 1312-GW1, note the different

paths 109 to the SCN connection. Paragraphs 126-128 teach the exchange of

messages between SGP and ASP)

As to **claim 9**, Roque teaches that the routing information takes the form

of a routing table that serves to distribute signalling gateway process identifiers

over possible signalling link selector values included in the signalling messages

(paragraph 66, note that identifiers with the status of the SGP are sent to the

ASP. The ASP has the capability to acknowledge or request additional

information).

As to **claim 10**, Roque teaches repeatedly receiving the routing

information from a signalling gateway process in messages that serve to indicate

the availability of the point code concerned (paragraphs 126-129).

As to **claim 11**, Roque teaches initiating the repeated sending of the routing information by including a request in an audit message for a particular destination point code sent to a signalling gateway process (paragraphs 127, 128 and 157).

As to **claim 12**, Rpque teaches including a registration step requesting and receiving a signalling gateway process identifier from a signalling gateway process (paragraph 152).

As to **claim 13**, Roque teaches that the registration request is included in a message indicating that the application server process is ready to receive signalling traffic (paragraph 155).

As to **claim 14**, Roque teaches a signalling gateway element arranged to carry out a method as claimed in claim 1 (see claim 1 rejection).

As to **claim 15**, Roque teaches a signalling gateway (fig. 4 element 1312-GW1) having a redundant set of signalling links to a signalling network and having a single point code, or set of point codes (fig. 4 note the links 109 connected to the SCN, wherein the 1312 supports one or many point codes) therein, and comprising a plurality of signalling elements as claimed in claim 14, with each signalling element comprising a signalling unit to which a subset of the signalling links are connected (fig. 4 element 1312).

As to **claim 16**, Roque teaches an application server (fig. 4, element 1212) arranged to carry out a method as claimed in claim 8 (see similar rejection to claim 8).

As to **claim 17**, Roque teaches a signalling system comprising a signalling gateway (fig. 4 element 1312-GW1) as claimed in claim 15 within a signalling network and having a single point code, or set of point codes (fig. 4 note the links 109 connected to the SCN, wherein the 1312 supports one or many point codes), therein, the signalling gateway elements of the signalling gateway each having at least one connection with at least one application server element as claimed in claim 15 (note the SCTP connection).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST,Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

P.O.

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